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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,666	01/10/2005	Yuichi Komuro	01165.0933	9409
7590 04/01/2008 Finnegan Henderson Farabow Garrett & Dunner 1300 I Street NW Washington, DC 20005-3315				
EXAMINER				
CHOI, PETER Y				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
04/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,666

Applicant(s)

KOMURO ET AL

Examiner

Peter Y. Choi

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

NON-FINAL ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' submission filed on March 10, 2008, has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 1 and 2, amended claim 1 recites that the fabric consists of continuous filaments. However, the specification as originally filed does not provide support for the limitation that the fabric consists of continuous filaments. The specification only provides support for filament fiber.

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4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1 and 2, claim 1 recites that the wiper is used for clean applications. It is unclear what is intended by the limitation that the wiper is used for "clean applications" as the limitation appears to state that the wiper is either to be used on applications which are clean or used for cleaning applications.

Claim Rejections - 35 USC § 102/103

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 08-260327 to Ikezawa.

Regarding claims 1 and 2, Ikezawa teaches a wiper of a nonwoven fabric consisting of continuous filaments of cupra-ammonium rayon, with no binding materials, which filaments are entangled with each other with a high-pressure water jet stream, wherein the nonwoven fabric has an amount of material dissolved therefrom into acetone is 340 mg/kg or less or 190 mg/kg or less and the wiper is used for clean applications (see entire document including paragraphs 0001, 0002, 0006-0016, 0019, 0020, 0027-0029, 0044-0047, 0050, 0052). It should be noted that Applicants' specification teaches that if the cellulose filament fiber is cupra-ammonium and is 40% by weight or more, and formed by a high-pressure water jet stream, then the water absorption becomes 8 ml/g (see page 8 of Applicants' specification). Therefore, the limitation that the water absorption is 8 ml/g or more and 9 ml/g or more appears to be inherent to the structure of the prior art, absent evidence to the contrary.

Regarding claims 1 and 2, Ikezawa does not appear to specifically teach that the amount of micro-matter of 100 μ m or more falling-off therefrom is 20,000 pieces/m² or less or 14,000 pieces/m² or less as measured by a method using a supersonic wave. Although the prior art does not disclose the claimed properties, the claimed properties are deemed to be inherent to the structure in the prior art since the Ikezawa reference teaches an invention with a substantially similar structure and chemical composition (nonwoven wipe comprising cupra-ammonium fibers which are entangled with each other by a high-pressure water jet stream) as the claimed invention.

In the event it is shown that Ikezawa does not disclose the claimed invention with sufficient specificity, the invention is obvious because Ikezawa discloses the claimed constituents and discloses that they may be used in combination.

Claim Rejections - 35 USC § 103

8. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as obvious over Ikezawa in view of USPN 4,275,105 to Boyd.

Regarding claims 1 and 2, in the event it is shown that the amount of micro-matter of 100 μ m or more falling-off therefrom is 20,000 pieces/m² or less or 14,000 pieces/m² or less as measured by a method using a supersonic wave is not inherent to the invention of Ikezawa, Boyd teaches a substantially similar wipe comprising a binderless nonwoven rayon web formed by hydraulic needling, wherein the rayon web is used for wiping, and wherein the lint release is greatly reduced and the lint release was 16 mg/m² (Boyd, column 1 lines 7-36, column 2 lines 49-68, column 4 line 39 to column 5 line 17, column 5 lines 53-65, column 6 line 66 to column 7 line 6, column 9 lines 11-34, Examples 1-12, Tables III-XI, claim 1). As best Examiner can determine, since the binderless hydraulically needled nonwoven rayon web of Boyd appears to be substantially similar to the rayon wiper of the claimed invention, the lint release of Boyd appears to be substantially similar to the claimed micro-matter fall-off values, absent evidence to the contrary. Therefore, it would have been obvious to one of ordinary skill in the wipe art at the time the invention was made to form the wiper of a nonwoven fabric of Ikezawa, wherein the nonwoven fabric has the lint release values as taught by Boyd, motivated by the desire of forming a conventional wipe which is soft, pliable, comfortable, and substantially free of particulate discharge. Additionally, it should be noted that the lint release of the invention of Ikezawa in view of Boyd appears to be substantially similar to the claimed micro-matter fall-off values, absent evidence to the contrary.

9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as obvious over Boyd in view of USPN 3,906,130 to Tsurumi.

Regarding claims 1 and 2, Boyd teaches a wiper of a nonwoven fabric consisting of continuous filaments of rayon, with no binding materials, which filaments are entangled with each other with a high-pressure water jet stream, wherein the nonwoven fabric has an amount of material dissolved therefrom into acetone is 340 mg/kg or less or 190 mg/kg or less and the wiper is used for clean applications (see entire document including column 1 lines 7-36, column 2 lines 49-68, column 4 line 39 to column 5 line 17, column 5 lines 53-65, column 6 line 66 to column 7 line 6, column 9 lines 11-34, Examples 1-12, Tables III-XI, claim 1). Boyd appears to teach that the water absorption is 8 ml/g or more and 9 ml/g (Examples 1-12, Tables III-XI). As best Examiner can determine, since the binderless hydraulically needled nonwoven rayon web of Boyd appears to be substantially similar to the rayon wiper of the claimed invention, the lint release of Boyd appears to be substantially similar to the claimed micro-matter fall-off values, absent evidence to the contrary.

Regarding claims 1 and 2, Boyd does not appear to specifically teach that the rayon continuous filaments comprise cuprammonium rayon continuous filaments. However, Boyd teaches that the binderless hydraulically needled nonwoven rayon web may comprise the material taught in USPN 3,906,130 to Tsurumi. Tsurumi teaches a binderless hydraulically entangled nonwoven rayon web wherein the web is formed of cuprammonium continuous filaments (Tsurumi, column 1 lines 6-37, column 4 line 63 to column 5 line 9, column 8 line 20 to column 12 line 50). Therefore, it would have been obvious to one of ordinary skill in the wiper art at the time the invention was made to form the wiper of a nonwoven fabric of Boyd, wherein

the wiper comprises cuprammonium rayon continuous filaments as taught by Tsurumi, as Boyd expressly suggests and teaches that the binderless hydraulically entangled nonwoven cuprammonium rayon web of Tsurumi was suitable for the invention of Boyd.

It should be noted that the Applicants' specification teaches that if the cellulose filament fiber is cupra-ammonium and is 40% by weight or more, and formed by a high-pressure water jet stream, then the water absorption becomes 8 ml/g (*see* page 8 of Applicants' specification). Therefore, the limitation that the water absorption is 8 ml/g or more and 9 ml/g or more appears to be inherent to the structure of the prior art combination, absent evidence to the contrary. Additionally, it should be noted that the lint release of the invention of Boyd in view of Tsurumi appears to be substantially similar to the claimed micro-matter fall-off values, absent evidence to the contrary.

Response to Arguments

10. Applicants' arguments with respect to claims 1 and 2 have been considered but are moot in view of the new grounds of rejection. It should be noted that Applicants' remarks of March 10, 2008, appears to argue a distinction between a nonwoven fabric formed of continuous filaments and a nonwoven fabric formed of short fibers. However, Applicants' specification does not provide a basis for the distinction. Applicants' specification as originally filed teaches throughout that the cupra-ammonium rayon is a "filament fiber." Additionally, Applicants' specification does not appear to teach length values which provide a foundation that Applicants, at the time of the invention, intended to provide a distinction between "continuous filament" and "continuous filament fiber" and "continuous fiber" and simply "fiber." Therefore, Applicants' remarks are not persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Y. Choi whose telephone number is (571)272-6730. The examiner can normally be reached on Monday - Friday, 08:00 - 15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew T Piziali/
Primary Examiner, Art Unit 1794

/Peter Y Choi/
Examiner, Art Unit 1794
March 26, 2008